



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

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April 27, 2017

Marc Neff, Esq.
1818 Market Street
13th Floor
Philadelphia, PA 19103

Dear Mr. Neff:

You stated that your client, Mitchell White, is interested in meeting with the investigating agents and me for purposes of an "off-the-record" proffer or discussion. We are interested in pursuing this matter and will consider such an "off-the-record" proffer in formulating an appropriate resolution of this matter.

To assure that there are no misunderstandings concerning the meaning of "off-the-record proffer" I am writing to clarify the following ground rules for an "off-the-record" proffer with your client:

First, no statements made by you or your client, or other information provided by you or your client during the "off-the-record" proffer, will be used directly against your client in any criminal case.

Second, the government may make derivative use of, and may pursue investigative leads suggested by, statements made or information provided by you or your client. That is:

[a] your client waives any right to challenge such derivative use and agrees that such use is proper; and

[b] your client agrees that Federal Rule of Criminal Procedure 11(f) and Federal Rule of Evidence 410 do not govern such derivative use.

This provision eliminates the necessity of a Kastigar hearing at which the government would have to prove that its evidence at trial or other legal proceeding is untainted by statements made or information provided during the "off-the-record" proffer.

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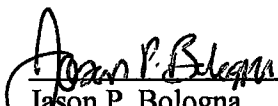
Third, if your client is a witness or party at any trial or other legal proceedings and testifies or makes representations through counsel materially different from statements made or information provided during the "off-the-record" proffer, the government may cross-examine your client, introduce rebuttal evidence and make representations based on statements made or information provided during the "off-the-record" proffer. This provision helps to assure that your client does not abuse the opportunity for an "off-the-record" proffer, make materially false statements to a government agency, commit perjury or offer false evidence at trial or other legal proceedings.

Fourth, this letter does not constitute a plea agreement or a cooperation agreement, nor is it a precursor to, or part of, such an agreement. It merely provides a set of rules to govern this meeting and to determine if the government is interested in your client's information.

If your client wishes to engage in an "off-the-record" proffer under these ground rules, please have this letter signed and dated where indicated below. Once executed, promptly return the original to me, and retain a copy for your files.

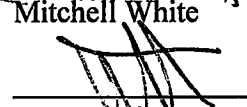
Very truly yours,

LOUIS D. LAPPEN
Acting United States Attorney


Jason P. Bologna
Assistant United States Attorney

APPROVED


Mitchell White


Marc Neff, Counsel